

Message

From: O'Connor, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10F82A7B1F5447F4B25E150131005733-O'CONNOR, D]
Sent: 3/27/2020 4:41:11 PM
To: Grabner, Taylor [Taylor.Grabner@dnr.mo.gov]
Subject: RE: Current and Potential Covid-19 Impacts at the Weldon Spring Site

Likely yes but we don't need the FFA to justify Ken's requested sampling adjustments. His request is totally reasonable given the circumstances. I'll send an email shortly.

Danny O'Connor
Remedial Project Manager
Superfund and Emergency Management Division
U.S. Environmental Protection Agency
11201 Renner Boulevard
Lenexa, Kansas 66219
Phone: 913-551-7868

From: Grabner, Taylor <Taylor.Grabner@dnr.mo.gov>
Sent: Friday, March 27, 2020 11:17 AM
To: O'Connor, Daniel <oconnor.daniel@epa.gov>
Subject: RE: Current and Potential Covid-19 Impacts at the Weldon Spring Site

Danny,

Is this something that could fall under force majeure? Maybe order of public authority or civil disturbance?

XXI. FORCE MAJEURE

A Force Majeure shall mean any event arising from causes beyond the control of a Party that causes a delay in or prevents the performance of any obligation under this AGREEMENT, including, but not limited to, acts of God; fire; war; insurrection; civil disturbance; explosion; unanticipated breakage or accident to machinery, equipment or lines of pipe despite reasonably diligent maintenance; adverse weather conditions that could not be reasonably anticipated; unusual delay in transportation; restraint by court order or order of public authority; inability to obtain, at reasonable cost and after exercise of reasonable diligence, any necessary authorizations, approvals, permits or licenses due to action or inaction of any governmental agency or authority other than DOE; delays caused by compliance with applicable statutes or regulations governing contracting, procurement or acquisition procedures, despite the exercise of reasonable diligence; and, insufficient availability of appropriated funds, if DOE shall have made timely request for such funds as part of the budgetary process as set forth in Section XXX (Funding) of this

From: Starr, Ken <Ken.Starr@lm.doe.gov>
Sent: Friday, March 27, 2020 10:29 AM
To: O'Connor, Daniel <oconnor.daniel@epa.gov>
Cc: Drake, Tiffany <tiffany.drake@dnr.mo.gov>; Grabner, Taylor <Taylor.Grabner@dnr.mo.gov>; Deyo, Yvonne (CONTR) <Yvonne.Deyo@lm.doe.gov>; Sheets, Monica (CONTR) <monica.sheets@lm.doe.gov>; Uhlmeyer, Terri (CONTR) <Terri.Uhlmeyer@lm.doe.gov>; Hodges, Rex (CONTR) <Rex.Hodges@lm.doe.gov>; Hooten, Gwen <Gwen.Hooten@lm.doe.gov>
Subject: Current and Potential Covid-19 Impacts at the Weldon Spring Site

Danny,

Due to the Covid-19 pandemic, operations may be further reduced at the Weldon Spring Site. Presently, DOE is operating on limited staffing with most personnel working from home and the Interpretive Center is closed to the public. The groundwater and surface water monitoring and associated activities are continuing in accordance with the social distancing protocols and in compliance with other CDC guidelines for virus prevention. However, if DOE headquarters or the State of Missouri issue some type of "stay at home order" as has occurred in many other states, DOE would be required to discontinue sampling.

DOE is seeking further direction from EPA about the required environmental sampling and whether EPA is providing any latitude regarding its expectations for continued sampling during this unprecedented crisis. DOE is concerned about whether LM would receive any type of compliance order or other enforcement action from EPA if environmental sampling had to be temporarily discontinued. Environmental sampling and "normal" operations would resume once any type of directive or state order has been rescinded.

Thanks,

Ken

Ken Starr, PE
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